

CLOSED, TYPE-D

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:08-cv-00939-EGS**

ZANONI v. UNITED STATES DEPARTMENT OF  
AGRICULTURE

Assigned to: Judge Emmet G. Sullivan  
Cause: 05:552 Freedom of Information Act

Date Filed: 06/02/2008  
Date Terminated: 10/05/2011  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****MARY-LOUISE ZANONI**

represented by **Leonard G. Brown , III**  
CLYMER, MUSSR, BROWN  
&CONRAD, P.C.  
408 West Chestnut Street  
Lancaster, PA 17603  
(717) 299-7101  
Email: [len@clymerlaw.com](mailto:len@clymerlaw.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**UNITED STATES DEPARTMENT OF  
AGRICULTURE**

represented by **James D. Todd , Jr.**  
U.S. DEPARTMENT OF JUSTICE  
Civil Division, Federal Programs Branch  
20 Massachusetts Avenue, N.W.  
Washington, DC 20001  
(202) 514-3378  
Fax: (202) 616-8470  
Email: [james.todd@usdoj.gov](mailto:james.todd@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
06/02/2008	<u>1</u>	COMPLAINT against UNITED STATES DEPARTMENT OF AGRICULTURE ( Filing fee \$ 350, receipt number 4616012695) filed by MARY-LOUISE ZANONI. (Attachments: # <u>1</u> Civil Cover Sheet)(jf, ) (Entered: 06/03/2008)
06/02/2008	<u>2</u>	MOTION for Temporary Restraining Order by MARY-LOUISE ZANONI (Attachments: # <u>1</u> Brief, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Text of Proposed Order)(jf, ) (Entered: 06/03/2008)
06/02/2008	<u>3</u>	NOTICE of Service to LCvR 65.1 by MARY-LOUISE ZANONI. (jf, ) (Entered: 06/03/2008)
06/02/2008		SUMMONS (3) Issued as to UNITED STATES DEPARTMENT OF AGRICULTURE, U.S. Attorney and U.S. Attorney General (jf, ) (Entered: 07/15/2008)
06/04/2008	<u>4</u>	ORDER. Signed by Judge Emmet G. Sullivan on June 4, 2008. (lcegs1) (Entered: 06/04/2008)
06/05/2008	<u>5</u>	NOTICE of Appearance by James D. Todd on behalf of UNITED STATES DEPARTMENT OF AGRICULTURE (Todd, James) (Entered: 06/05/2008)
06/05/2008	<u>6</u>	Joint MOTION for Order <i>for Briefing Schedule</i> by MARY-LOUISE ZANONI (Attachments: # <u>1</u> Text of Proposed Order)(Brown, Leonard) (Entered: 06/05/2008)

06/09/2008	<u>7</u>	SCHEDULING ORDER. Plaintiff shall serve complaint by no later than June 11, 2008; Defendant shall answer plaintiffs complaint by no later than July 1, 2008; Plaintiff shall file any motion for summary judgment by no later than July 2, 2008; Defendant shall file a combined motion for summary judgment and response in opposition to plaintiffs motion for summary judgment by no later than July 21, 2008; Plaintiff shall file a combined response to defendants motion for summary judgment and reply to defendants response to plaintiffs motion for summary judgment by no later than August 1, 2008; Defendant shall file any reply to plaintiffs response to defendants motion for summary judgment by no later than August 8, 2008. See Order for further instructions to counsel. Signed by Judge Emmet G. Sullivan on June 9, 2008. (lcegs1) (Entered: 06/09/2008)
06/10/2008		Set/Reset Deadlines: Answer due by 7/1/2008, Cross Motions due by 7/21/2008. Response to Cross Motions due by 8/1/2008. Reply to Cross Motions due by 8/8/2008. Notice to the Federal Register due by 6/9/2008. Joint Motion for a briefing schedule due by 6/5/2008. Time to effectuate service upon party due by 6/11/2008. Summary Judgment motions due by 7/2/2008. Response to Motion for Summary Judgment due by 7/21/2008. Reply to Motion for Summary Judgment due by 8/1/2008. (clv, ) (Entered: 06/10/2008)
06/10/2008	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on Attorney General. Date of Service Upon Attorney General 6/6/08. (Brown, Leonard) (Entered: 06/10/2008)
06/10/2008	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the US Attorney. UNITED STATES DEPARTMENT OF AGRICULTURE served on 6/6/2008, answer due 8/5/2008 (Brown, Leonard) (Entered: 06/10/2008)
06/10/2008	<u>10</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to (Brown, Leonard) (Entered: 06/10/2008)
07/01/2008	<u>11</u>	ANSWER to <u>1</u> Complaint by UNITED STATES DEPARTMENT OF AGRICULTURE. Related document: <u>1</u> Complaint filed by MARY-LOUISE ZANONI. (Attachments: # <u>1</u> Exhibit)(Todd, James) (Entered: 07/01/2008)
07/02/2008	<u>12</u>	MOTION for Summary Judgment by MARY-LOUISE ZANONI (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Memorandum in Support, # <u>3</u> Text of Proposed Order, # <u>4</u> Exhibit 7 Affidavit of Mary-Louise Zanoni, # <u>5</u> Exhibit 8 Affidavit of Jack Kittredge, # <u>6</u> Exhibit 9 Affidavit of Peter Hardin, # <u>7</u> Exhibit 10 National Animal Identification System Draft Program Standards April 25, 2005, # <u>8</u> Exhibit 11 CV of Mary-Louise Zanoni, # <u>9</u> Exhibit 12 "Exported-Fueled National Animal ID Program Raises Many Farmer Objections, The New Farm, April 13, 2006, # <u>10</u> Exhibit 13 Pa. a Step Closer to Premise ID Program, Lancaster Farming, September 25, 2004, # <u>11</u> Exhibit 14 USDA/APHIS Veterinary Services Initial Announcement of Cooperative Agreements for FY 2007, # <u>12</u> Exhibit 15 NCDAA Hay Alert, # <u>13</u> Exhibit 16_1 NY Premise ID Application, # <u>14</u> Exhibit 16_2 PA Premise ID Application, # <u>15</u> Exhibit 17 USDA letter dated June 19, 2008 and redacted records)(Brown, Leonard) (Entered: 07/02/2008)
07/15/2008	<u>13</u>	Unopposed MOTION to Continue <i>Scheduling Order</i> by UNITED STATES DEPARTMENT OF AGRICULTURE (Attachments: # <u>1</u> Affidavit, # <u>2</u> Text of Proposed Order)(Todd, James) (Entered: 07/15/2008)
07/16/2008		MINUTE ORDER granting <u>13</u> defendant's Unopposed Motion to Continue Scheduling Order, which the Court shall construe as a Motion to Amend the Scheduling Order. The <u>7</u> Scheduling Order is amended as follows: Defendant shall file a combined motion for summary judgment and response in opposition to plaintiff's motion for summary judgment by no later than July 30, 2008; Plaintiff shall file a combined response to defendant's motion for summary judgment and reply to defendant's response to plaintiff's motion for summary judgment by no later than August 11, 2008; Defendant shall file any reply to plaintiff's response to defendant's motion for summary judgment by no later than August 21, 2008. Signed by Judge Emmet G. Sullivan on July 16, 2008. (lcegs1, ) (Entered: 07/16/2008)
07/16/2008		Set/Reset Deadlines: Cross Motions due by 7/30/2008. Response to Cross Motions due by 8/11/2008. Reply to Cross Motions due by 8/21/2008. Response to Motion

		for Summary Judgment due by 7/30/2008. Reply to Motion for Summary Judgment due by 8/11/2008. (clv, ) (Entered: 07/16/2008)
07/30/2008	<u>14</u>	Cross MOTION for Summary Judgment by UNITED STATES DEPARTMENT OF AGRICULTURE (Attachments: # <u>1</u> Affidavit Declaration of Dr. John Clifford, # <u>2</u> Exhibit Exhibit 2, # <u>3</u> Affidavit Declaration of Tonya Woods, # <u>4</u> Exhibit Ex4-Final Determination, # <u>5</u> Exhibit Ex5-RutherfordMemo, # <u>6</u> Exhibit Ex6, # <u>7</u> Exhibit Ex7, # <u>8</u> Exhibit Ex8, # <u>9</u> Exhibit Ex9, # <u>10</u> Exhibit Ex10, # <u>11</u> Exhibit Ex12, # <u>12</u> Exhibit Ex12, # <u>13</u> Exhibit Ex13-Unpublished Case, # <u>14</u> Exhibit Ex14-Unpublished Decision, # <u>15</u> Text of Proposed Order)(Todd, James) Modified on 7/31/2008 (jf, ). (Entered: 07/30/2008)
07/31/2008		NOTICE re <u>14</u> Motion for Summary Judgment; emailed to james.todd@usdoj.gov, cc'd 2 associated attorneys — The PDF file you docketed contained errors: 1. Please refile document, 2. Counsel is directed to file the pleading also as an Opposition. (jf, ) (Entered: 07/31/2008)
07/31/2008	<u>15</u>	Memorandum in opposition to re <u>12</u> MOTION for Summary Judgment <i>and Combined Motion for Summary Judgment, Statement of Material Facts, and Response to Plaintiff's Statement of Material Facts</i> filed by UNITED STATES DEPARTMENT OF AGRICULTURE. (Attachments: # <u>1</u> Declaration Dr John Clifford, # <u>2</u> Exhibit 2, # <u>3</u> Declaration Tonya Woods, # <u>4</u> Ex 4 – Final Determination, # <u>5</u> Ex 5 – Rutherford Memo, # <u>6</u> Ex 6–Public Comment, # <u>7</u> Ex 7–Public Comment, # <u>8</u> Ex 8–Public Comment, # <u>9</u> Ex 9–Public Comment, # <u>10</u> Ex 10–Public Comment, # <u>11</u> Ex 12–Public Comment, # <u>12</u> Ex 12–Public Comment, # <u>13</u> Ex 13–Unpublished Decision, # <u>14</u> Ex 14–Unpublished Decision, # <u>15</u> Text of Proposed Order)(Todd, James) (Entered: 07/31/2008)
08/11/2008	<u>16</u>	REPLY to opposition to motion re <u>14</u> Cross MOTION for Summary Judgment <i>and Opposition to Plaintiff's Motion for Summary Judgment and response to Defendant's Motion for Summary Judgment</i> filed by MARY-LOUISE ZANONI. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Affidavit, # <u>3</u> Affidavit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Affidavit, # <u>7</u> Exhibit, # <u>8</u> Exhibit)(Brown, Leonard) (Entered: 08/11/2008)
08/11/2008	<u>17</u>	RESPONSE <i>in Opposition to Defendant's Statment of Material Facts in Support of 14 Defendant's Motion for Summary Judgment</i> filed by MARY-LOUISE ZANONI. (Brown, Leonard) Modified on 8/12/2008 (jf, ). (Entered: 08/11/2008)
08/12/2008	<u>18</u>	ERRATA <i>Exhibit 18 – Affidavit of Floyd Hall re 16 REPLY to opposition to motion re 14 Cross MOTION for Summary Judgment by MARY-LOUISE ZANONI.</i> (Brown, Leonard) Modified on 8/13/2008 (jf, ). (Entered: 08/12/2008)
08/21/2008	<u>19</u>	REPLY to opposition to motion re <u>14</u> Cross MOTION for Summary Judgment <i>and Opposition to Plaintiff's Motion for Summary Judgment</i> filed by UNITED STATES DEPARTMENT OF AGRICULTURE. (Todd, James) (Entered: 08/21/2008)
11/26/2008		MINUTE ORDER denying <u>2</u> Motion for TRO. In view of the pending Cross Motions for Summary Judgment, Plaintiff's Motion for a Temporary Restraining Order is DENIED as moot. Signed by Judge Emmet G. Sullivan on November 26, 2008. (lcegs1) (Entered: 11/26/2008)
11/28/2008	<u>20</u>	MOTION to Permit <i>Plaintiff to Supplement the Record</i> by MARY-LOUISE ZANONI (Attachments: # <u>1</u> Exhibit 18 – Clifford Memo, # <u>2</u> Exhibit 19 – R-CALF Letter, # <u>3</u> Exhibit 20 – USAHA Resolution, # <u>4</u> Exhibit 21 – Bullard Declaration, # <u>5</u> Text of Proposed Order)(Brown, Leonard) (Entered: 11/28/2008)
12/11/2008	<u>21</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>20</u> MOTION to Permit <i>Plaintiff to Supplement the Record</i> by UNITED STATES DEPARTMENT OF AGRICULTURE (Attachments: # <u>1</u> Text of Proposed Order)(Todd, James) (Entered: 12/11/2008)
12/17/2008		MINUTE ORDER granting <u>21</u> Consent MOTION for Extension of Time to File Response/Reply as to <u>20</u> MOTION to Permit <i>Plaintiff to Supplement the Record</i> . Responses due by 12/23/2008. Replies due by 1/2/2009. Signed by Judge Emmet G. Sullivan on December 17, 2008.(lcegs1) (Entered: 12/17/2008)

12/20/2008		Set/Reset Deadlines: Responses due by 12/23/2008 Replies due by 1/2/2009. (clv, ) (Entered: 12/20/2008)
12/23/2008	<u>22</u>	Memorandum in opposition to re <u>20</u> MOTION to Permit <i>Plaintiff to Supplement the Record</i> filed by UNITED STATES DEPARTMENT OF AGRICULTURE. (Attachments: # <u>1</u> Text of Proposed Order)(Todd, James) (Entered: 12/23/2008)
12/30/2008	<u>23</u>	ERRATA <i>Substituting Complete Version of Memorandum in Opposition (Doc. No. 22), with Formerly Omitted Exhibit</i> by UNITED STATES DEPARTMENT OF AGRICULTURE <u>22</u> Memorandum in Opposition filed by UNITED STATES DEPARTMENT OF AGRICULTURE. (Attachments: # <u>1</u> Defendant's Opposition to Plaintiff's Motion to Supplement Her Motion for Summary Judgment, # <u>2</u> Exhibit 1: USDA Veterinary Services Memorandum No. 575.19 (Dec. 22, 2008), # <u>3</u> Text of Proposed Order)(Todd, James) (Entered: 12/30/2008)
12/30/2008	<u>24</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>20</u> MOTION to Permit <i>Plaintiff to Supplement the Record</i> by MARY-LOUISE ZANONI (Attachments: # <u>1</u> Text of Proposed Order)(Brown, Leonard) (Entered: 12/30/2008)
01/09/2009	<u>25</u>	REPLY to opposition to motion re <u>20</u> MOTION to Permit <i>Plaintiff to Supplement the Record</i> filed by MARY-LOUISE ZANONI. (Attachments: # <u>1</u> Exhibit 1)(Brown, Leonard) (Entered: 01/09/2009)
01/29/2009	<u>26</u>	MOTION to Strike <u>25</u> Reply to opposition to Motion by UNITED STATES DEPARTMENT OF AGRICULTURE (Attachments: # <u>1</u> Text of Proposed Order)(Todd, James) (Entered: 01/29/2009)
02/09/2009	<u>27</u>	Memorandum in opposition to re <u>26</u> MOTION to Strike <u>25</u> Reply to opposition to Motion filed by MARY-LOUISE ZANONI. (Brown, Leonard) (Entered: 02/09/2009)
02/20/2009	<u>28</u>	REPLY to opposition to motion re <u>26</u> MOTION to Strike <u>25</u> Reply to opposition to Motion filed by UNITED STATES DEPARTMENT OF AGRICULTURE. (Todd, James) (Entered: 02/20/2009)
03/31/2009	<u>29</u>	ORDER denying <u>12</u> plaintiff's Motion for Summary Judgment; granting <u>14</u> defendant's Motion for Summary Judgment. Signed by Judge Emmet G. Sullivan on March 31, 2009. (lcegs1) (Entered: 03/31/2009)
03/31/2009	<u>30</u>	MEMORANDUM AND OPINION Signed by Judge Emmet G. Sullivan on March 31, 2009. (lcegs1) (Entered: 03/31/2009)
04/13/2009		MINTE ORDER denying as moot <u>20</u> Motion to Permit; denying as moot <u>24</u> Motion for Extension of Time to File Response/Reply; denying as moot <u>26</u> Motion to Strike, considering the courts recent grant of summary judgment in favor of defendants. Signed by Judge Emmet G. Sullivan on April 13, 2009. (lcegs1) (Entered: 04/13/2009)